

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/16/2010 has been entered.

Response to Amendment

2. Applicant's amendment was received on 3/16/2010. These amendments have been entered and made of record. Currently, **claims 1, 6, 7, 12, 13, 15 and 19 – 21** are pending.

Response to Arguments

3. Applicant's arguments (*see Remarks 3/16/2010*) with respect to **claims 1, 6, 7, 12, 13, 20 and 21** have been fully considered and are persuasive. The rejections of these claims have been withdrawn.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steven M. Jensen (Reg. No. 42,693) on 5/10/2010.

The application has been amended as follows:

Claim 6: A tangible computer-readable recording medium on which is recorded a program for causing a computer to operate, when a request for a response to a data transmission from a receiving-end machine is embedded in transmitted data, as:

data identifying means for determining whether data to be received over a network is response data to ~~[[a]]~~ the response request by comparing a size of the data to be received to a predetermined data size; and

receipt control means for controlling receipt so as to preferentially receive data identified as the response data by the data identifying means over other data,

the data being transmitted/received through a relay device that assigns a serial number to each set of data, and the receipt control means receiving the data in accordance with a ranking indicated by the serial numbers, and when the response data is to be received from the relay device, changes the ranking by way of a request to the relay device from the ranking indicated by the serial numbers,

the communications device further comprising:

storage means for storing received data; and

storage control means for controlling storing to the storage means so that after storing the received data, the storage means is left with empty space needed to store the response data, the response data being ranked higher than other data.

Claim 15: CANCELLED

Claim 19: CANCELLED

REASONS FOR ALLOWANCE

5. ***Claims 1, 6, 7, 12, 13, 20 and 21*** are allowed.

6. The following is an examiner's statement of reasons for allowance:

The innovative limitation that distinguishes the Applicant's claims is the unobvious combination of two disclosed embodiments: 1) the receipt control means changing the ranking by way of a request to the relay device from the ranking indicated by serial numbers (*see Remarks 8/27/2009 [page 7], Specification [page 26, lines 4 – 15] and Fig. 4*), and 2) a storage control means controlling storing to storage means so that after storing the received data, the storage means is left with empty space needed to store the response data higher than the other data (*see Remarks 8/27/2009 [page 8] and Fig. 9*).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MYLES D. ROBINSON whose telephone number is (571)272-5944. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Myles D. Robinson/
Examiner, Art Unit 2625
5/12/10

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625